

Assembly Bill No. 2370

CHAPTER 424

An act to amend Section 68561 of the Government Code, relating to court interpreters.

[Approved by Governor September 18, 2014. Filed with
Secretary of State September 18, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2370, Chau. Court interpreters.

Existing law provides for the regulation of court interpreters, and requires the Judicial Council to designate the languages for which certification programs shall be established. Existing law provides that any person who interprets in a court proceeding using a language designated by the Judicial Council is required to be a certified court interpreter for the language used.

Existing law authorizes the court, for good cause, to appoint an interpreter who does not hold an interpreter certificate for a designated language. Existing law authorizes a person who interprets in a court proceeding using a language not designated by the Judicial Council to be qualified by the court under qualification procedures and guidelines adopted by the Judicial Council, and to be designated as a registered interpreter if he or she passes an approved English fluency examination. Existing law requires interpreters to establish to the court that they meet the requirements described above under procedures adopted by the Judicial Council and also requires the court record to show that the interpreter is a certified interpreter or qualified as an interpreter for good cause or for a nondesignated language, as specified.

This bill would additionally require a judge, in any proceeding in which the court appoints an interpreter who does not hold an interpreter certificate for a designated language, or who is qualified to interpret using a nondesignated language but is not registered, to have stated on the record a finding that a certified or registered interpreter is not available, the name of the interpreter, and a statement that he or she meets the qualification requirements specified above, and that the interpreter's oath was administered to the interpreter, as specified. The bill would also require a judge in any court proceeding, when using a certified or registered court interpreter, to have stated on the record the name of the interpreter, his or her current interpreter certification or registration number, the language to be interpreted, a statement that the certified or registered interpreter's identification has been verified by the court, and a statement that the interpreter's oath was administered to him or her, or that he or she has an oath on file with the court, as specified. The bill would require certified or registered interpreters to state similar information for the record in depositions where a judge is not present, as specified.

The people of the State of California do enact as follows:

SECTION 1. Section 68561 of the Government Code is amended to read:

68561. (a) Except for good cause as provided in subdivision (c), a person who interprets in a court proceeding using a language designated by the Judicial Council pursuant to subdivision (a) of Section 68562 shall be a certified court interpreter, as defined in Section 68566, for the language used.

(b) Interpreters named and maintained on the list of recommended court interpreters previously established by the State Personnel Board or established by an entity provisionally approved pursuant to subdivision (b) of Section 68562 shall be deemed certified pursuant to this article until January 1, 1996. After that date, those interpreters shall not be deemed certified unless they have complied with the procedures for certification adopted pursuant to subdivision (c) of Section 68562. Interpreters approved by the State Personnel Board or any other agency or entity for use in administrative hearings or nonjudicial settings shall not be deemed certified as court interpreters. These interpreters shall not be used in court proceedings unless they are qualified by the court pursuant to subdivision (c) or (d).

(c) A court may for good cause appoint an interpreter for a language designated by the Judicial Council who does not hold a court interpreter certificate. The court shall follow the good cause and qualification procedures and guidelines adopted by the Judicial Council.

(d) A person who interprets in a court proceeding using a language not designated by the Judicial Council shall be qualified by the court pursuant to the qualification procedures and guidelines adopted by the Judicial Council. If this qualified interpreter also passes an English fluency examination offered by a testing entity approved by the Judicial Council, this person shall be designated a "registered interpreter."

(e) Interpreters shall establish to the court that they meet the requirements of this section under procedures adopted by the Judicial Council. The court record shall show that the interpreter (1) is a certified court interpreter as defined by Section 68566 for the language used, or (2) was qualified by the court under subdivision (c), after a finding of good cause, or under subdivision (d), if the language is not designated by the Judicial Council.

(f) In any court proceeding, if a court appoints an interpreter pursuant to subdivision (c), or an interpreter pursuant to subdivision (d) who is not registered, the judge in the court proceeding shall require the following to be stated on the record:

(1) A finding that a certified or registered interpreter is not available.

(2) The name of the qualified interpreter.

(3) A statement that the qualified interpreter meets the requirements of subdivision (c) or (d) and that the required procedures and guidelines adopted by the Judicial Council have been followed.

(4) A statement that the interpreter's oath was administered to the qualified interpreter pursuant to the procedures and guidelines adopted by the Judicial Council.

(g) In any court proceeding, if a court uses a certified court interpreter, as defined by Section 68566, or a registered court interpreter, the judge in the court proceeding shall require the following to be stated on the record:

(1) The name of the certified or registered court interpreter, as listed on his or her court interpreter certification or registration.

(2) His or her current certification or registration number.

(3) A statement that the certified or registered court interpreter's identification has been verified by the court using a certified or registered interpreter identification badge issued by the Judicial Council or other documentation that verifies the interpreter's certification or registration accompanied by photo identification.

(4) The language to be interpreted.

(5) A statement that the interpreter's oath was administered to the certified or registered court interpreter or that he or she has an oath on file with the court.

(h) In a deposition where a judge is not present to fulfill the requirements specified in subdivision (g), a certified or registered interpreter shall state all of the following for the record:

(1) His or her qualifications, including his or her name and certification or registration number.

(2) A statement that the interpreter's oath was administered to him or her or that he or she has an oath on file with the court.

(3) A statement that he or she has presented to both parties the interpreter certification or registration badge issued to him or her by the Judicial Council or other documentation that verifies his or her certification or registration accompanied by photo identification.